



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,551	04/08/2004	John K. Apostolides	00478CIPCIPCIP	8386

26285 7590 09/19/2006

KIRKPATRICK & LOCKHART NICHOLSON GRAHAM LLP
535 SMITHFIELD STREET
PITTSBURGH, PA 15222

EXAMINER

RIVELL, JOHN A

ART UNIT PAPER NUMBER

3753

DATE MAILED: 09/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/820,551	APOSTOLIDES, JOHN K.	
	Examiner	Art Unit	
	John Rivell	3753	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4/8/04 (application).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-80 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-80 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>06012004, 01122006</u> | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 3753

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-18, 37-44 and 55-69, drawn to plural check valves, classified in class 137, subclass 512.
- II. Claims 19-36 and 45-54, drawn to plural electrically operated valves responsive to a sensed line condition, classified in class 137, subclass 487.5.
- III. Claims 70-73, drawn to a combined fluid and electrical system, classified in class 1347, subclass 560.
- IV. Claims 74-80, drawn to a fluid coupling indicator, classified in class 285, subclass 93.

The inventions are distinct, each from the other because of the following reasons:

Inventions I, II, III and IV are directed to related products. The related inventions are distinct if the (1) the inventions as claimed are either not capable of use together or can have a materially different design, mode of operation, function, or effect; (2) the inventions do not overlap in scope, i.e., are mutually exclusive; and (3) the inventions as claimed are not obvious variants. See MPEP § 806.05(j).

In the instant case, the inventions as claimed in Groups I and II are not capable of use together or can have a materially different design, mode of operation, function, or effect. For example, the invention of Group I, utilizing check valves, is clearly of different design than the invention of Group II which utilizes electrically operated valves responsive to a signal from a sensor sensing a line condition. Clearly this represents a

Art Unit: 3753

different mode of operation, function and effect. Additionally, the inventions of Group I and Group II do not overlap in scope, i.e. they are mutually exclusive.

The inventions as claimed in Groups I and III are not capable of use together or can have a materially different design, mode of operation, function, or effect. For example, the invention of Group I, utilizing check valves, is clearly of different design than the invention of Group III which is directed to a power supply system supplying electrical power to a fluid machine. Clearly this represents a different mode of operation, function and effect. Additionally, the inventions of Group I and Group III do not overlap in scope, i.e. they are mutually exclusive.

The inventions as claimed in Groups I and IV are not capable of use together or can have a materially different design, mode of operation, function, or effect. For example, the invention of Group I, utilizing check valves, is clearly of different design than the invention of Group IV which is directed to a device indicative of the completion of a fluid coupling. Clearly this represents a different mode of operation, function and effect. Additionally, the inventions of Group I and Group IV do not overlap in scope, i.e. they are mutually exclusive.

The inventions as claimed in Groups II and III are not capable of use together or can have a materially different design, mode of operation, function, or effect. For example, the invention of Group II, which utilizes electrically operated valves responsive to a signal from a sensor sensing a line condition, is clearly of different design than the invention of Group III, which is directed to a power supply system supplying electrical power to a fluid machine. Clearly this represents a different mode of operation, function

and effect. Additionally, the inventions of Group II and Group III do not overlap in scope, i.e. they are mutually exclusive.

The inventions as claimed in Groups II and IV are not capable of use together or can have a materially different design, mode of operation, function, or effect. For example, the invention of Group II, which utilizes electrically operated valves responsive to a signal from a sensor sensing a line condition, is clearly of different design than the invention of Group IV, which is directed to a fluid coupling indicator. Clearly this represents a different mode of operation, function and effect. Additionally, the inventions of Group II and Group IV do not overlap in scope, i.e. they are mutually exclusive.

The inventions as claimed in Groups III and IV are not capable of use together or can have a materially different design, mode of operation, function, or effect. For example, the invention of Group III, which is directed to a power supply system supplying electrical power to a fluid machine, is clearly of different design than the invention of Group IV, which is directed to a fluid coupling indicator. Clearly this represents a different mode of operation, function and effect. Additionally, the inventions of Group III and Group IV do not overlap in scope, i.e. they are mutually exclusive.

Furthermore, the inventions as claimed do not encompass overlapping subject matter and there is nothing of record to show them to be obvious variants.

Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required

Art Unit: 3753

because the inventions have acquired a separate status in the art in view of their different classification, because the inventions require a different field of search (see MPEP § 808.02), and because the inventions have acquired a separate status in the art due to their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Rivell whose telephone number is (571) 272-4918. The examiner can normally be reached on Mon.-Thur. from 6:30am-5:00pm (EST).

Art Unit: 3753

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Keasel can be reached on (571) 272-4929. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


John Rivell
Primary Examiner
Art Unit 3753

j.r.